

### **REMARKS**

Claims 1 to 23 are currently pending in this application. All of the claims have been rejected. By this Amendment, Applicant has amended claims 1 to 20, 22 and 23. All of the amendments find full support in the specification and drawings as filed. No new matter has been added. In view of the above amendments and the following remarks, Applicant respectfully submits that this application is in condition for allowance. Accordingly, reconsideration and a timely indication of allowance are respectfully requested.

#### **Claim Amendments**

Claim 1 has been amended to recite “wherein the base unit and the analysis unit are capable of being alternatively disposed in: a disconnected configuration wherein the analysis unit is separate from the base unit; and a connected configuration wherein the reagent outlet is connected to the reagent inlet and the waste inlet is connected to the waste inlet.” Additionally, claim 1 has been amended to recite “wherein the analysis unit is capable of analyzing a sample while in the disconnected configuration.” Claim 22 has been amended to reflect the antecedent basis for the connected and disconnected configurations provided in amended claim 1. No new matter has been added, full support for the amendments being found in the specification and drawings as filed, for example in the specification from page 12, line 22 to page 13, line 7. Additionally claims 2 to 20 and 22 have been amended to recite “system for analyzing samples” for clarity in view of the preamble of claim 1. Additionally, claim 23 has been amended for clarity.

Entry of these amendments is respectfully requested.

#### **Rejection Under 35 U.S.C. §103(a)**

The Examiner rejected claims 1 to 23 under 35 U.S.C. §103(a) as being unpatentable over Mitsumaki et al. (U.S. Patent No. 4,680,270) in view of Ricchio et al. (U.S. Patent No. 5,130,095). In view of the amendments to claim 1, Applicant respectfully traverses the

Examiner's rejection.

Claim 1, as amended, recites "wherein the base unit and the analysis unit are capable of being alternatively disposed in: a disconnected configuration wherein the analysis unit is separate from the base unit; and a connected configuration wherein the reagent outlet is connected to the reagent inlet and the waste inlet is connected to the waste outlet; and wherein the analysis unit is capable of analyzing a sample while in the disconnected configuration." Claim 22, as amended, recites "disposing the base station and the analysis unit in the disconnected configuration" and "processing the sample using the portable analysis device to obtain an analysis for the sample." Claim 23, as amended, recites "wherein the base unit and the analysis unit are capable of being alternatively disposed in: a disconnected configuration wherein the analysis unit is separate from the base unit; and a connected configuration." Applicant respectfully submits that Mitsumaki and Ricchio et al. fail to teach or suggest these limitations.

Mitsumaki et al. teach a method and apparatus for conducting flow analysis on a sample. Mitsumaki et al. teach a stand alone device, rather than a portable analysis unit that is coupled to a base unit for refilling and waste disposal. The Examiner admits that Mitsumaki et al. fail to teach or suggest a reagent inlet, a waste outlet, or a base unit for connection to the analyzer unit, the base unit having a reagent storage reservoir and a waste storage reservoir as claimed. The Examiner cites to Ricchio et al. to remedy the defects of Mitsumaki et al.

Ricchio et al. is directed to an automatic chemistry analyzer. The analyzer has a flow cell, an injection cell and a drain. The analyzer stores wash and reagent fluids as necessary. However, Ricchio et al. also teach a stand alone apparatus, rather than a portable analysis unit that is coupled to a base unit for refilling and waste disposal. Although Ricchio et al. is characterized by the Examiner as having a base unit and an analysis unit, the components of Ricchio et al. cannot be disposed in a disconnected configuration wherein the analysis unit is separate from the base unit as claimed. The analyzer of Ricchio et al. is not intended for use with any of the components removed. Additionally, the analysis unit of Ricchio et al. as characterized

by the Examiner is not “capable of analyzing a sample while in the disconnected configuration” as recited in claim 1.

Accordingly, neither Mitsumaki et al. nor Ricchio et al., considered alone or in combination teach or suggest a base unit and an analysis unit that can be disposed in “a disconnected configuration wherein the analysis unit is separate from the base unit” and “wherein the analysis unit is capable of analyzing a sample while in the disconnected configuration” as claimed. As explained on pages 26 and 27 of the specification, the claimed system is highly advantageous. For example, the claimed system allows for analysis at remote locations, and avoids the costs associated with transport of samples to a central laboratory. Additionally, the claimed system avoids to the need for elaborate identification information on sample containers and reduces the likelihood of mixing up samples at a central laboratory. Moreover, the analysis unit of the present invention is reusable and thereby eliminates costs and handling problems associated with single-use units. The base unit can be maintained separately from the analysis unit, thereby allowing continued operation of the analysis unit.

Therefore, Applicant respectfully submits that claims 1, 22 and 23 are patentable over Mitsumaki et al. and Ricchio et al., both alone and in combination. Claims 2 to 21 depend from claim 1 and by definition contain all of the limitations of claim 1. Accordingly, Applicant respectfully submits that claims 2 to 21 are patentable over Mitsumaki et al. and Ricchio et al. for the reasons given above for claim 1 as well as because of the additional limitations contained therein. For example, with regard to claim 13, Applicant respectfully submits that neither Mitsumaki et al. nor Ricchio et al. teach or suggest the use and charging of a rechargeable battery in the analysis unit as claimed.

Accordingly, Applicant respectfully requests that the rejection of claim 1 to 23 under 35 U.S.C. §103 be withdrawn.

## CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that this

application is in condition for allowance. Accordingly, a timely indication of allowance is respectfully requested. If any additional information should be required in considering this Response, or if there are any issues that can be resolved by telephone with the Applicant's representative, then the Examiner is encouraged to contact the undersigned at the below listed telephone number.

A fee of \$120 for a one month extension of time in which to respond is believed due in connection with this communication. The Commissioner is hereby authorized to charge payment of this fee and any other fees due with this communication to Deposit Account No. 19-2090.

Respectfully Submitted,

SHELDON MAK ROSE & ANDERSON

Date: October 12, 2007

By: /Marc Karish/  
Marc Karish  
Reg. No. 44,816

SHELDON MAK ROSE & ANDERSON  
100 East Corson, Third Floor  
Pasadena, California 91103-3842

Telephone (626) 796-4000  
Facsimile (626) 795-6321